

UNITED STATES DISTRICT COURT  
IN AND FOR THE SOUTHER DISTRICT OF FLORIDA

Case No.:

2:22-cv-14322

DIANE TIRADO

Plaintiff,

v.

St. Lucie Public Schools,

a Florida Governmental Entity

Defendant.

\_\_\_\_\_/



**COMPLAINT AND JURY DEMAND**

Plaintiff, Diane Tirado ("Plaintiff") *pro se*, sues the St. Lucie Public Schools ("Defendant"), and alleges as follows:

**Nature of Action**

1. This action arises out of Defendants' retaliatory behavior concerning Plaintiff's protected speech while employed by Defendant as an educator in violation of the First Amendment of the United States Constitution.

**Parties, Jurisdiction and Venue**

2. Diane Tirado is an individual who resides in St. Lucie County, Florida.
3. St. Lucie Public Schools is a governmental organization located in St. Lucie County, Florida.
4. Subject matter jurisdiction exists pursuant to 28 U.S.C. § 1331, § 1334 and over Plaintiff's cause of action founded upon 42 U.S. Code § 1983.
5. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 1391 because the defendant resides in the District and a substantial part of the events or omissions giving rise to Plaintiff's occurred here.

**Factual Allegations**

6. Plaintiff seeks monetary relief in excess of \$500,000.00 and a demand for judgment for all other relief to which Plaintiff may be entitled in this constitutional violation case.

7. On August 10<sup>th</sup>, 2018, Plaintiff was hired at Westgate K-8 as an eighth grade U.S. History teacher. Westgate K-8 is a public school under the purview of Defendant, Plaintiff was an employee of Defendant.

8. The nature of this dispute concerns Westgate K-8's apparent "best practice" (the "best practice" or the "zero grade policy") on the assignment of grades, wherein teachers are instructed to provide a grade of no less than 50% regardless of whether the assignment was actually completed or turned in by any given assignment.

9. The best practice was not a policy, nor was it required to be followed by teachers at Westgate K-8.

10. To that end, the best practice was veiled from Plaintiff when she requested further information from her administrators.

11. Plaintiff frequently expressed her concern with the best practices to her colleagues and administrators, wherein she stated her belief that it was harming her student's education among other opinions concerning the best practice.

12. Plaintiff expressed her desire to stray from the best practice to her administrators, colleagues and students.

13. On or about September 14, 2018, Plaintiff was terminated from her position at Westgate K-8 as a result of her communications concerning the best practice and her refusal to adhere to it.

14. Subsequent to Plaintiff's termination from Westgate K-8, Defendant's agents conducted an investigation into Plaintiff in an effort to further denigrate her reputation.

**COUNT I FREEDOM OF SPEECH 42 U.S. CODE § 1983**

15. Plaintiff realleged Paragraphs 1 through 14, as if fully set forth herein, and states additionally or alternatively:

16. Plaintiff engaged in constitutionally protected speech. Here, Plaintiff's speech was critical of Westgate K-8's best practice.

17. On September 14, 2018, Defendant's agents, Esther Guzman, Melissa Hutchings, Aaron Clements, and Kristi Parker unlawfully fired Plaintiff from her role as a teacher at Westgate K-8 in retaliation for Plaintiff exercising her freedom of speech.

18. Defendant's decision to terminate Plaintiff's employment was directly related to the protected speech described herein.

19. As a direct and proximate result of these violations of Plaintiff's constitutional rights, she was made to suffer great emotional trauma, discomfort and embarrassment, was deprived of her liberty and her employment, and her personal and professional reputation was impaired.

20. As a result of the foregoing, Plaintiff is entitled to compensatory damages in a sum to be determined at trial and is further entitled to punitive damages.

WHEREFORE, Plaintiff, Diane Tirado, prays that this Court enter a judgment declaring the acts taken by Defendant against Plaintiff's protected speech to be unconstitutional; and award judgment for all relief that is just and equitable, including compensatory damages and costs against Defendant.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted this 14<sup>th</sup> day of September, 2022.

Diane Tirado

1249 SW Medina Ave.

Port St. Lucie, FL 34953

Email Address: [dianetirado@live.com](mailto:dianetirado@live.com)

Phone: 954-562-2400

A handwritten signature in black ink, appearing to read "Diane Tirado". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending from the "e".

Diane Tirado